

Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of)	
)	
PUBLIC UTILITIES COMMISSION)	
)	Docket No. 03-0371
Instituting a Proceeding to Investigate)	
Distributed Generation in Hawaii.)	
)	
)	
)	
)	

STIPULATED PREHEARING ORDER

Hawaiian Electric Company, Inc. ("HECO"), Maui Electric Company, Limited ("MECO"), Hawaii Electric Light Company, Inc. ("HELCO"), Kauai Island Utility Cooperative, The Division of Consumer Advocacy, Life of the Land, Hawaii Renewable Energy Alliance, Johnson Controls, Inc. and Pacific Machinery, Inc. (sometimes jointly referred to as the "Hawaii Energy Services Companies" or "HESCOs"), Hess Microgen, The Gas Company, LLC, and the County of Maui (the above parties hereinafter collectively referred to as "parties"), together with the County of Kauai and the Department of Business Economic Development and Tourism¹ (hereinafter together

¹ During the meeting held on March 31, 2004 to discuss the Stipulated Prehearing Order, the County of Kauai represented that it was interested primarily in the rate impacts of distributed generation. The Department of Business Economic Development and Tourism represented that it was interested in serving as a resource for technical information for the parties in the proceeding. Based on the representations of the participants, the parties agreed that the participants would be allowed to present recommendations on any of the issues in the instant proceeding provided that any recommendation be provided as the respective participant's Preliminary Statement of Position, followed by written testimonies in support of said position in accordance with the Stipulated Regulatory Schedule attached to this Stipulated Prehearing Order.

referred to as “participants”), hereby stipulate to the following provisions of this Stipulated Prehearing Order as mutually acceptable to each.

ACCORDINGLY, IT IS ORDERED that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket:

I.

STATEMENT OF ISSUES

The issues in this docket are:

1. What must be considered to allow a distributed generating facility to interconnect with the electric utility’s grid?
2. Who should own and operate distributed generation projects?
3. What impacts, if any, will distributed generation have on Hawaii’s electric transmission and distribution systems and market?
4. What is the role of the regulated electric utility companies and the Commission in the deployment of distributed generation in Hawaii?
5. What is the appropriate rate design and cost allocation issues that must be considered with the deployment of distributed generation facilities?
6. What revisions should be made to the integrated resource planning process?
7. What are the impacts of distributed generation on power quality and reliability?
8. What forms of distributed generation (e.g., renewable energy facilities, hybrid renewable energy systems, generation, cogeneration) are feasible and viable for Hawaii?

9. What is the potential for distributed generation to reduce the use of fossil fuels?
10. What utility costs can be avoided by distributed generation?
11. What are the externalities costs and benefits of distributed generation?
12. The parties and participants can also address issues raised in the informal complaint filed by Pacific Machinery, Inc., Johnson Controls, Inc. and Noresco, Inc. against HECO, MECO and HELCO on July 2, 2003 (Informal Complaint No. IC-03-098).

II.

SCHEDULE OF PROCEEDINGS

The parties and any of the participants who actually file written preliminary statements of position and written direct testimonies (hereinafter referred to as an "Active Participant") shall adhere to the schedule of proceedings set forth in the Stipulated Regulatory Schedule attached hereto as Exhibit "A." Notwithstanding the above, the parties and Active Participants shall have the right to amend the Stipulated Regulatory Schedule as may be agreed in writing and approved by the Commission from time to time. However, the intent of the parties and participants in agreeing to a schedule at this time is to promote the efficient and cost-effective allocation of resources. Therefore, any changes to the schedule should be proposed only when there is an urgency or substantial competing need that cannot be reasonably accommodated without a change.

III.

REQUESTS FOR INFORMATION

A party or an Active Participant to this proceeding may submit information requests to another party or Active Participant within the time schedule specified in this Stipulated Prehearing Order. If a party or Active Participant is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party or Active Participant as soon as possible. The parties and Active Participants shall then endeavor to agree upon a later date for submission of the requested information. If the parties and Active Participants are unable to agree, the responding party may seek approval for the late submission from the Commission upon a showing of good cause. It is then within the Commission's discretion to approve or disapprove such late filings and take any additional action that may be appropriate, such as extending the date for the inquiring party to act.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g., documents over 50 pages), the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on computer diskette or other readily usable electronic medium, the party or Active Participant responding to the information request shall make the diskette or such electronic medium available to the other parties, participants and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheet will contain all formulae intact, and will not be entirely converted to values prior to submission. A party or Active Participant shall not be required, in a

response to an information request, to provide data that is/are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part VI, infra. The responding party or Active Participant shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party or Active Participant to locate and copy the document.² In addition, a party or Active Participant shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party or Active Participant may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to protection (confidential information). If a party or Active Participant claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party or Active Participant shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party or Active Participant if the information were disclosed); and (3) state

² As practical, each party and Active Participant will cooperate in making available documents that are already on file with the Commission or otherwise part of the public record and in reproducing (at reasonable charges), such public record documents as well as voluminous material referenced by such parties and/or Active Participants, designated by the requesting parties and/or making available one copy of the designated documents for loan for a reasonable period of time to be reproduced by the requesting party and/or Active Participant.

whether the party or Active Participant is willing to provide the confidential information to some or all representatives of the party pursuant to a protective order.

A party or Active Participant seeking production of documents notwithstanding a party's or Active Participant's claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each party or Active Participant to information requests shall adhere to a uniform system of numbering agreed upon by the parties and Active Participants. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-SOP-IR-1," and a response to this information request shall be referred to and designated as "Response to CA-SOP-IR-1."

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference the attached responsive document, indicating the name of the respondent for each response.

IV.

WITNESSES

Witnesses submitting written testimony and exhibits shall be made available for cross-examination at the hearing. Witnesses should file the work papers used in preparing the evidence they sponsor at the time they submit their testimony and exhibits and have such work papers available at the hearing. Witnesses will not be permitted to read prefiled written testimony at the hearings.

In the presentation of the testimony, each witness may give a brief oral summary of the written testimony and exhibits and shall summarize the issues raised by such

testimony. Each witness shall be subject to cross-examination for both direct and rebuttal testimony and exhibits.

The parties and Active Participants in this case should cooperate to accommodate the schedules of any mainland witnesses and should inform the Commission in advance of any scheduling difficulties of mainland witnesses. If any party or Active Participant has any objection to scheduling a witness in advance of other witnesses, the party or Active Participant should make a timely objection to the Commission.

V.

FORM OF PREPARED TESTIMONY

All prepared testimony, including text and exhibits, shall be prepared in written form on 8-1/2" x 11" paper with line numbers, and shall be served on the dates designated in the Schedule of Proceedings.

Each party or Active Participant shall be permitted to follow its own numbering system for written testimony and exhibits, provided that the numbering system utilized is consistent and is clearly understandable. Each document of more than one page shall be consecutively numbered. Each party or Active Participant shall prepare a list of its exhibits by exhibit numbers and titles.

The parties and Active Participants shall be permitted to make revisions to exhibits after the designated dates appearing in the Schedule of Proceedings. Revisions shall bear appropriate revision dates. However, revisions or additions that do more than correct typographical errors, update facts, or give numerical comparisons of the positions taken by the parties and Active Participants, shall not be submitted.

Generally, exhibits should include appropriate footnotes or narratives in the exhibits or the related testimony setting forth the sources of the information used and explaining the methods employed in making statistical compilations or estimates.

VI.

MATTERS OF PUBLIC RECORD

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that an electric utility company has filed with the Commission, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the Commission and the parties and Active Participants; and further provided that any party or Active Participant has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a party or Active Participant proffers such document for admission as evidence in this case.

From time to time, the parties and Active Participants may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

VII.

COPIES OF TESTIMONIES, EXHIBITS AND INFORMATION REQUESTS

1. Testimonies and Exhibits:

Public Utilities Commission
465 South King Street
First Floor
Honolulu, HI 96813

Original plus 8 copies

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All pleadings, briefs and other documents required to be filed with the Commission shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, subchapter 2, section 6-61-15 of the Commission's Rules of Practice and Procedure.

Copies of all filings, information requests and information request responses should be sent to the other parties and participants by hand delivery or via U.S. mail. In addition, if available, all parties and Active Participants shall provide copies of their filings, information requests and information request responses to the other parties and participants via diskette or e-mail in a standard electronic format that is readily available to the parties and participants. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain formulae intact, and will not be entirely converted to values prior to submission. The parties and Active

Participants agree to use Word 97, Word 2000 or Word 2003 as the standard programming format for filings in this case. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party or Active Participant shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97/Word 2000/Word 2003 as long as the applicable format is identified. In the event a copy of a filing, information request or information request response is delivered to a party or participant via diskette or e-mail, unless otherwise agreed to by such party or participant, the same number of copies of such filing, information request or information request response must still be delivered to such party or participant by hand delivery or via U.S. mail as provided in above.

VIII.

ORDER OF EXAMINATION

The order of presentation for witnesses and whether the witness will present both written and rebuttal testimony at the same time shall be determined at the pre-hearing conference to be held pursuant to the Schedule of Proceedings.

Examination of any witness shall be limited to one attorney for a party or Active Participant. The parties and Active Participants shall avoid duplicative or repetitious cross-examination. Cross-examination shall be limited to witnesses whose testimony is adverse to the party or Active Participant desiring to cross-examine. Re-cross-examination shall be limited to the extent of material covered in redirect examination unless otherwise permitted by the Commission.

IX.

COMMUNICATIONS

Chapter 61, subchapter 3, section 6-61-29 of the Commission's Rules of Practice and Procedure concerning *ex parte* communications is applicable to any communications between a party or participant and the Commission. However, the parties and participants may communicate with Commission counsel through their own counsel or designated official only as to matters of process and procedure.

Communications between the parties and participants should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party or participant as provided in Article VII above.

All motions, supporting memoranda, briefs, and the like shall also be served on opposing counsel.

X.

GENERAL

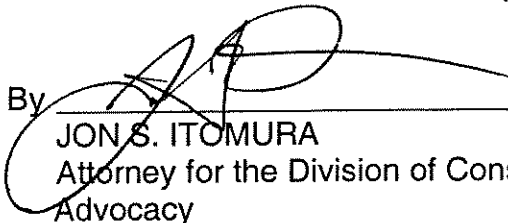
The foregoing procedures shall be applied in a manner consistent with the orderly conduct of this docket.

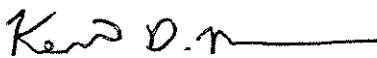
Pursuant to Chapter 61, subchapter 3, section 6-61-37 of the Commission's Rules of Practice and Procedure, the Prehearing Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearings to prevent manifest injustice.


This Stipulated Prehearing Order may be executed by the parties and participants in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The parties and

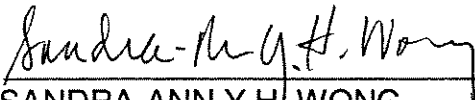
participants may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

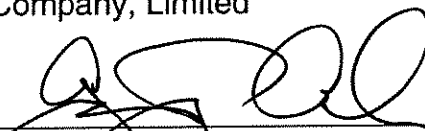
Dated: Honolulu, Hawaii, April 2, 2004.

By 
JON S. ITOMURA
Attorney for the Division of Consumer
Advocacy


By 
ALAN M. OSHIMA
KENT D. MORIHARA
Attorneys for Kauai Island Utility
Cooperative


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PETER Y. KIKUTA
Attorneys for Hawaiian Electric
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Attorney for Hess Microgen

By 
GEORGE T. AOKI
Attorney for The Gas Company

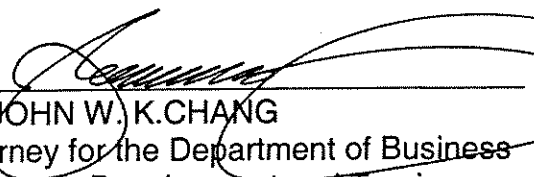
By _____
THOMAS C. GORAK
Attorney for Pacific Machinery, Inc. and
Johnson Controls, Inc.

By 
HENRY CURTIS
Life of the Land

By 
WARREN S. BOLLMEIER II
Hawaii Renewable Energy Alliance

By _____
CINDY Y. YOUNG
Attorney for the County of Maui

By _____
LANI NAKAZAWA
Attorney for the County of Kauai

By 
JOHN W. K. CHANG
Attorney for the Department of Business
Economic Development and Tourism

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Dated: Honolulu, Hawaii, April 2, 2004.

By

JON S. ITOMURA
Attorney for the Division of Consumer
Advocacy

By

ALAN M. OSHIMA
KENT D. MORIHARA
Attorneys for Kauai Island Utility
Cooperative

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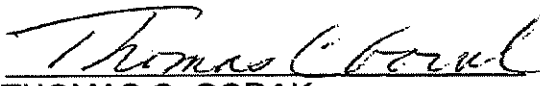
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SANDRA-ANN Y.H. WONG
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Hawaii Renewable Energy Alliance

By

CINDY Y. YOUNG
Attorney for the County of Maui

By

LANI NAKAZAWA
Attorney for the County of Kauai

By

JOHN W. K.CHANG
Attorney for the Department of Business
Economic Development and Tourism

participants may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

Dated: Honolulu, Hawaii, April 2, 2004.

By _____
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Attorney for the Division of Consumer
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KENT D. MORIHARA
Attorneys for Kauai Island Utility
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Company, Inc. Maui Electric
Company, Limited

By _____
SANDRA-ANN Y.H. WONG
Attorney for Hess Microgen

By _____
GEORGE T. AOKI
Attorney for The Gas Company

By _____
THOMAS C. GORAK
Attorney for Pacific Machinery, Inc. and
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By _____
WARREN S. BOLLMEIER II
Hawaii Renewable Energy Alliance

By Cindy Y. Young
CINDY Y. YOUNG
Attorney for the County of Maui

By _____
LANI NAKAZAWA
Attorney for the County of Kauai

By _____
JOHN W. K.CHANG
Attorney for the Department of Business
Economic Development and Tourism

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Dated: Honolulu, Hawaii, April 2, 2004.

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Company, Inc. Maui Electric
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By _____
GEORGE T. AOKI
Attorney for The Gas Company

By _____
THOMAS C. GORAK
Attorney for Pacific Machinery, Inc. and
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By _____
HENRY CURTIS
Life of the Land

By _____
WARREN S. BOLLMEIER II
Hawaii Renewable Energy Alliance

By _____
CINDY Y. YOUNG
Attorney for the County of Maui

By  _____
LANI NAKAZAWA
Attorney for the County of Kauai

By _____
JOHN W. K.CHANG
Attorney for the Department of Business
Economic Development and Tourism

APPROVED AND SO ORDERED this _____ day of _____, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By _____
Carlito P. Caliboso, Chairman

By _____
Wayne H. Kimura, Commissioner

By _____
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Kevin Katsura
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated Prehearing Order No. _____ upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED: _____

EXHIBIT "A"
STIPULATED REGULATORY SCHEDULE
PROCEEDING TO INVESTIGATE DISTRIBUTED GENERATION IN HAWAII
Docket No. 03-0371

	DATE	PROCEDURAL STEPS
1.	March 3, 2004	Order No. 20832 filed by Commission
2.	Friday, May 7, 2004	Simultaneous Preliminary Statement of Position
3.	Monday, May 24, 2004	Simultaneous Information Requests to the Parties and Active Participants on their Preliminary Statement of Position
4.	Wednesday, June 16, 2004	Simultaneous Responses to Information Requests filed by the Parties and Active Participants on their Preliminary Statement of Position
5.	Wednesday, June 23, 2004	Technical Meeting to Clarify Responses
6.	Wednesday, July 14, 2004	Simultaneous Written Direct Testimonies, Exhibits and Workpapers
7.	Wednesday, July 28, 2004	Simultaneous Information Requests to the Parties and Active Participants on Their Written Direct Testimonies, Exhibits and Workpapers
8.	Wednesday, August 18, 2004	Simultaneous Responses to Information Requests filed by the Parties and Active Participants on their Written Direct Testimonies, Exhibits and Workpapers
9.	Friday, September 3, 2004	Simultaneous Supplemental Information Requests to the Parties and Active Participants on their Responses to Information Requests
10.	Friday, September 17, 2004	Simultaneous Responses to Supplemental Information Requests filed by the Parties and Active Participants on their Responses to Information Requests
11.	Thursday, September 30, 2004	Settlement Conference
12.	Friday, October 22, 2004	Simultaneous Written Rebuttal Testimonies, Exhibits and Workpapers

	DATE	PROCEDURAL STEPS
13.	Monday, November 1, 2004	Simultaneous Rebuttal Information Requests to the Parties and Active Participants on their Written Rebuttal Testimonies, Exhibits and Workpapers
14.	Monday, November 22, 2004	Simultaneous Responses to Rebuttal Information Requests filed by the Parties and Active Participants on their Written Rebuttal Testimonies, Exhibits and Workpapers
15.	Wednesday, December 1, 2004	Prehearing Conference
16.	Any time after December 8, 2004	Evidentiary Hearing (if no settlement)
17.	4 weeks after transcript completed and filed with the Commission	Simultaneous Post-Hearing Opening Briefs
18.	3 weeks after the filing of the Opening Brief	Simultaneous Post-Hearing Reply Briefs

* As stated in Section VII of the Stipulated Prehearing Order, the parties and Active Participants will exchange their filings, information requests and information request responses to the other parties and participants via diskette or e-mail in a standard electronic format that is readily available by the other parties and participants, to the extent that the information is available in electronic format. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be entirely converted to values prior to submission.